

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ATHENS PRIORITY

INFO AMEMBASSY ANKARA PRIORITY

USMISSION NATO PRIORITY

SECDEF PRIORITY

USNMR SHAPE PRIORITY

USDELMC PRIORITY

USCINCEUR PRIORITY

CINCUSAFE PRIORITY

CINCUSNAVEUR PRIORITY

CINCUSAREUR PRIORITY

DIRNSA PRIORITY

USDOCOSOUTH PRIORITY

C O N F I D E N T I A L STATE 077246

E.O. 11652:GDS

TAGS: MARR, MASS, PFOR, GR, US

SUBJECT: US-GREEK BASE NEGOTIATIONS - SOFA, VII, 1

REF: ATHENS 10905

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1. THE FOLLOWING INSTRUCTION IS FOR USE BY THE U.S. DELEGATION WHEN NEGOTIATIONS RESUME. WE AGREE WITH YOUR INTENTION TO STAND FIRM ON THE U.S. FORMULATION OF THIS PROVISION UNTIL YOU HAVE THE OPPORTUNITY TO ASCERTAIN WHETHER THE GREEKS HAVE ANY MORE FLEXIBILITY. THE THRUST OF OUR POSITION ON THIS MATTER IS TO AVOID PAYING WHAT ARE

TANTAMOUNT TO TAXES EVEN THOUGH THEY HAPPEN TO BE LABELED FEES AND CHARGES FOR SERVICES RENDERED. THERE ARE MANY OSTENSIBLE CHARGES THAT ARE IN FACT TAXES IN THAT THEY HAVE NO DIRECT RELATIONSHIP TO THE COST OF ACTUAL SERVICES RECEIVED. INSTEAD THEY FALL PRIMARILY IN THE CATEGORY OF GENERAL REVENUE, COLLECTED TO DEFRAY THE OVERALL EXPENSES OF THE GOVERNMENT OR A PARTICULAR GOVERNMENTAL AGENCY. THE US SHOULD NOT BE LIABLE FOR SUCH KINDS OF CHARGES; HOWEVER, WE ARE WILLING TO PAY THE FAIR VALUE OF IDENTIFIABLE MATERIALS AND SERVICES RECEIVED.

3. IF, AFTER THE RESUMPTION OF THE NEGOTIATIONS, THE GREEKS STILL INSIST UPON THEIR REFORMULATION OF ARTICLE

VII, PARA 1, OF THE SOFA, OR IF YOU PERCEIVE SOME TACTICAL ADVANTAGE IN DOING SO, YOU MAY SUGGEST THE FOLLOWING LANGUAGE:

QUOTE. VESSELS AND AIRCRAFT OPERATED BY OR EXCLUSIVELY FOR THE UNITED STATES FORCES AND SERVICE VEHICLES OF SUCH FORCES SHALL BE FREE FROM TAXES, DUES, DUTIES, AND OTHER CHARGES, PROVIDED THAT SUCH EXEMPTION SHALL NOT EXTEND TO CHARGES FOR MATERIALS AND SPECIFIC SERVICES RECEIVED. UNQUOTE.

AS YOU WILL NOTE, THIS VERSION ANSWERS THE GREEK LINGUISTIC PARALLELISM OBJECTION, AS WELL AS GREEK CONCERN FOR THE WORD "REIMBURSEMENT". WE HAVE CHANGED THE MODIFIER OF SERVICES FROM "SPECIAL" TO "SPECIFIC" IN THE HOPE THAT

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IT WILL BE MORE PALATABLE. AS INDICATED ABOVE, WE WANT TO AVOID PAYING FOR GENERAL SERVICES, I.E., MAINTENANCE OF PUBLIC ROADS, OPERATING PORT FACILITIES, ETC., AND THEREFORE BELIEVE THAT SOME LIMITING ADJECTIVE IS NECESSARY. OTHERWISE, THIS FORMULATION CLOSELY TRACKS WITH THE GREEK VERSION.

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